

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Services – Treasuries and Accounts Department – Sri Kailash Raj Dharmi, formerly, J.A.O., O/o. Govt. Central Press, Hyderabad and retired as A.A.O. – Issued false pay certificate and given undertakings to the financial institutions beyond his official capacity – Imposition of a punishment of withholding of 5% of his pension for a period of two years under Rule 9 of A.P. Revised Pension Rules, 1980– Orders – Issued.

FINANCE (ADMN.I.VIG.) DEPARTMENT

G.O.Rt.No.3078

Dated:17 -07-2008

Read the following: -

- Ref: - 1. DTA Lr.No.K.II (8)12490/2000, dt. 19-9-2006.
along with the Enquiry Report.
2. Govt.Memo.No.3997/77/A1/Admn.I.Vig/06 dt 29-9-2006.
 3. DTA Lr.No. K.II (8)12490/2000, dt. 29-10-2007.
 4. Govt Memo.No.3997/77/A1/Admn.I.Vig/06 dt 28.11.07.
 5. DTA Lr.No.K (II)8/124980/2000,dt.5-02-2008 along with the explanation of Sri Sri Kailash Raj Dharmi, A.A.O., (Retd)
 6. Govt. Lr.No. No.3997/77/A1/Admn.I.Vig/2006, addressed to the Secretary, APPSC dated dated 13-5-2008.
 7. Lr.No.6/RT-I/I/2008, dated 17-6-2008 from the Secretary, APPSC.

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ORDER:

In the reference 1st read above, the Director of Treasuries and Accounts has informed that Sri Kailash Raj Dharmi, formerly, J.A.O., O/o. Govt. Central Press, Hyderabad and retired as A.A.O has resorted to the following irregularities while working as Junior Accounts officer O/o the Chief Accounts Officer, Government Central Press, Hyderabad.

- a) Issued false pay certificate though he is not competent and misused his official capacity.
- b) Given undertaking to the financial institution on behalf of some of the employees of GCP, Hyderabad for deducting the loan installments from their salaries and for remitting the deducted loan installments though he is not competent and misused his official position.

On the above conspiracy, the Chief Accounts officer O/o Government Central Press, Hyderabad has lodged a complaint against Sri Kailash Raj Dharmi. The Saidabad Police authority have registered the case on 28-9-2002 under Cr.No.232/02 U/s 420 and arrested the individual on 11-9-2003 and produced in the Court of Hon'ble VII the Addl. Chief Metropolitan Magistrate filed charge sheet against him. The Director of Treasuries and Accounts has also stated that Sri Kailash Raj Dharmi, AAO was suspended from Service w.e.f 8-10-2003 vide proceedings of Project Officer, ITDA, Paderu Rc.No.459/2003/A1 dated 7/2003. By virtue of the APAT orders dated 21-10-2003 in OA.No.6859/1985, the Project Director, ITDA Paderu has reinstated the charged Officer vide Proceedings No.459/2003/A1/dated 07-11-2003 and surrendered to the parent Department and he was reposted as Assistant Accounts Officer O/o the Deputy Director, Social Welfare Department, Nellore vide DTA proceedings No.C4/20026/2003, dated 15-11-2003. Again he was suspended from Service vide DTA proceedings No.K5/12490/2000 dated 17-12-2003 in the said criminal case.

2. The Director of Treasuries and Accounts has initiated departmental proceedings against him and framed the following two articles of charges vide charge Memo.No.K5/12490/2000 dated 30-08-2006.

Charge.-1:

That Sri. Kailash Raj Dharmi while working as J.A.O in the Accounts Branch, O/o the G.C.P., A.P., Hyderabad during the period from 1993 to 13-10-1999 has issued false pay certificate to Sri M.Srinivas, Jr. Mechanic and other employees of the Government Central Press, Hyderabad though he is not competent to do so and thereby misused his official position and shown conduct of unbecoming of member of service and contravened Rule (3) of APCS (Conduct Rules) 1964.

Charge: II.

That Sri Kailash Raj Dharmi, while working as JAO in the Accounts Branch O/o the GCP., A.P., Hyderabad during the period from 1993 to 13-10-1999 has given undertakings to the financial institution on behalf of some of the employees of G.C.P., Hyderabad for deducting the loan installments from their salaries and for remitting the deducted loan installments though he is not competent to do so and thereby misused his official position and shown conduct of unbecoming of member of service and contravened Rule (3) of APCS (Conduct Rules) 1964.

3. The Director of Treasuries and Accounts has appointed Smt. N.Sreekala, Chief Accounts Officer as Inquiring Authority to conduct inquiry into charges framed against the said charged Officer. The Inquiring Authority, in her report found that the Charge-I is proved and Charge –II is not proved. The Director of Treasuries and Accounts, A.P., Hyderabad has forwarded the case to the Government along with the relevant material for taking further action under Rule 9 of A.P. Revised Pension Rules 1980 as the Charged Officer has retired from service on attaining the age of superannuation.

4. In the reference 2 read above, the Director of Treasuries and Accounts, Hyderabad was directed to obtain the records from the Prudential Cooperative Urban Bank Limited, Secunderabad for verification of undertakings issued by the charged officer Sri Kailash Raj Dharmi, AAO(Retd.) in respect of (2) employees of the Government Central Press, Hyderabad i.e. Sri Syed Talib Ali Binder and Sri Ahmed Waheduddin, Junior Accountant, for deducting Rs.825/- every month from their salaries and to remit the same to the Bank, though he is not competent to give such undertakings as Junior Accounts Officer and to confirm whether it was the signature of the charged officer, in consultation with the Forensic Science Laboratory, Hyderabad so as to come to a conclusion whether the Charge-II framed against Sri Kailash Raj Dharmi, AAO (Retd.) is proved.

5. In the reference 3rd read above, the Director of Treasuries and Accounts, Hyderabad has furnished the report Forensic Science Laboratory, Hyderabad and orders of the Hon'ble VII Addl. Chief Metropolitan Magistrate, Nampally, Hyderabad dated 3-6-2006 in C.C.No.146/04 along with the representation of the Charged Officer. The DTA has informed that the Joint Director of Forensic Laboratory, Hyderabad has confirmed the signatures available on the undertakings given to the Prudential Cooperative Urban Bank and the signatures of Sri Kailash Raj Dharmi available in the acquaintance register are same. Further he stated that Sri Kailash Raj Dharmi, AAO (Retd) has been acquitted by the Hon'ble VII the Addl. Chief Metropolitan Magistrate; Nampally vide orders dated 3-6-2006 in C.C.No.146/04. The Hon'ble VII the Addl. Chief Metropolitan Magistrate, Nampally observed that:

“the prosecution failed to prove that the accused has dishonest intention and induced the employees of the department and deceived them by issuing false pay certificates and undertaking to them and failed to comply the provisions u/sec.420 IPC. Accordingly the point is answered. In the result I hold that the accused is found not guilty for the offences under section 420 IPC and he is acquitted u/s 248 (1) Cr.PC. The bail bonds of the accused stand cancelled”.

6 Sri Kailash Raj Dharmi, in his representation stated that a criminal case was booked against him by the Chief Accounts Officer, Government Printing Department, Hyderabad vide CC No.232/2002 and 146/2004 on the same grounds on which charges framed by the DTA. The criminal case has been concluded and he was acquitted of all charges in VII Additional Chief Metropolitan Magistrate Court, Nampally, Hyderabad. Hence, Sri Kailash Raj Dharmi AAO (Retd) has requested for early orders to drag him out of financial problems.

7. Government, after careful examination of the report of the Director of Treasuries and Accounts and the orders of Hon'ble VII the Addl. Chief Metropolitan Magistrate, Nampally dated 3-6-2006 in C.C.No.146/04 and the representation of Sri Kailash Raj Dharmi AAO (Retd) have come to a provisional conclusion to impose a punishment of withholding of 5% of his pension for a period of two years on the Charged Officer, Sri Kailash Raj Dharmi, AAO (Retd). Accordingly, a final show-cause notice was issued vide reference 4th read above calling for his explanation as to why a punishment of withholding of 5% of his pension for a period of two years should not be imposed on him under Rule 9 of A.P. Revised Pension Rules, 1980.

8. In the reference 5th read above, the Director of Treasuries and Accounts has furnished the explanation of Sri Kailash Raj Dharmi, AAO (Retd.) wherein he has stated that the enquiry officer has failed to keep in mind the standing orders of the Government, orders of the Head of the Department and the codes and manual and the legal position explained by the VII MM Court Hyderabad in the judgment. The enquiry officer has failed to obtain original pay certificates and processed the case on the Xerox copies, which is against the law of documentation. The enquiry officer also failed to record the statements of section clerk and superintendents who processed the pay certificates. The enquiry officer has also failed to conduct open enquiry while calling for the employees who have obtained pay certificates and confirmed factual position. Further, he stated that that the employees who have been cross examined by the Hon'ble Court have denied that they have taken pay certificates from him and also expressed their inability to report as to who has signed the pay certificates. In the inquiry report it is mentioned that the original pay certificates of Sri M. Srinivas, Junior Mechanic was referred to the forensic laboratory, whereas the forensic assistant disclosed that a Xerox Copy was referred to the said authority, during the cross examination in the court. Sri M.Srinivas, Junior Mechanic has denied in the court that he has obtained pay certificates from him. Hence, the forensic laboratory report could not stand in the court since the correct procedure has not been followed while referring the matter to the forensic laboratory as specified by the court in the judgment. The Charged Officer pointed out that the Enquiry Officer and the Presenting Officer have contended that the orders issued by the Government vide G.O.Ms.No.554, Revenue (A) Department, dated 2-8-1988 does not confer any right to the Gazetted Officer to issue the pay certificates in all conditions and in the very next Para the Enquiry Officer and Presenting Officer had contended that the Government Orders referred to above any Gazetted officer can issue income certificates on their own responsibility but not pay certificates. Both the officers could not find out the difference between the income certificate and pay certificate. Therefore, he has stated that by virtue of issue of G.O.Ms.No.20, Finance and Planning (Finance Wing. Admn.I) Department, dt. 28-2-1998 he can issue income and nativity certificate as per the G.O.Ms.No.554, Revenue (A) Department, dt. 2-8-1988. In respect of charge-2, he has stated that the presenting officer is of the opinion that undertaking might have been issued along with pay certificates whereas undertaking in question was not sent to the forensic laboratory for verification as disclosed by the forensic assistant who has attended the court. Further, the two employees Sarvasri Talib Ali and Ahmed Waheeduddin were not enquired into by the Enquiry Officer. As a matter of fact the court has cross-examined Sri Talib Ali and he denied that he has obtained undertaking and pay certificates from him. During the course of enquiry he submitted a copy of undertaking issued by the Head of the Department addressed to the all bankers, financial agencies and co-operative societies vide Lr.No.3071/Accounts/8788, dt. 16-2-1988. But the enquiry officer has failed to go through the concerned file and confirm the factual position. The Charged Officer pointed out that when the undertaking has been given by the Head of the Department, further issue of undertaking by him does not arise.

9. Government, after careful examination of the report of the Director of Treasuries and Accounts, report of the Joint Director, Forensic Laboratory, Hyderabad, confirmed the signatures available on the undertaking given to the Prudential Cooperative Urban Bank and the signatures of Sri Kailash Raj Dharmi available in the acquaintance registers are same and he has no competence to issue undertakings to the Banks as such the charges framed against him proved and come to a provisional conclusion to impose a punishment of withholding of 5% of his pension for a period of two years and accordingly addressed to the Secretary, APPSC vide reference 6th read above for their concurrence on the proposed punishment.

10. The Andhra Pradesh Public Service Commission, Hyderabad in reference 7th read above concurred with the proposal of the Government for imposition of a punishment of withholding of 5% of pension for a period of (2) years on against Sri Kailash Raj Dharmi, AAO (Retd).

11. Government, accordingly, hereby order for imposition of a punishment of withholding of 5% of pension for period of (2) years on the Charged Officer, Sri Kailash Raj Dharmi, AAO (Retd) under Rule 9 of A.P. Revised Pension Rules, 1980.

12. The Director of Treasuries and Accounts, Hyderabad shall take necessary further action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**VASUDHA MISHRA
SECRETARY TO GOVERNMENT (FP)**

To

The individual through the Director of Treasuries & Accounts, A.P., Hyderabad.

The Director of Treasuries & Accounts, A.P., Hyderabad.

Copy to:

The Accountant General, A.P., Hyderabad.

The Secretary, Andhra Pradesh Public Service Commission, A.P., Hyderabad

The Chief Account officer, Government Central Press, A.P., Hyderabad.

// FORWARDED BY ORDER //

SECTION OFFICER